

# Notice of Allowability

Application No.

10/735,657

Examiner

Dana Ross

Applicant(s)

RIPLEY ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 5 May 2005.
2. ☒ The allowed claim(s) is/are 1-48.
3. ☒ The drawings filed on 16 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

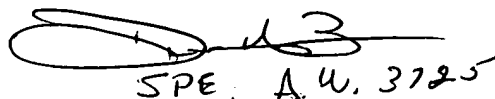
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
SPE. A. U. 3725

*Allowable Subject Matter*

1. Claims 1-48 are allowed.
2. The following is an examiner's statement of reasons for allowance: The reasons for allowance of independent claims 1, 12, 17 and 31 are discussed in detail in the previous office action.

Regarding independent claims 27, 35, 41 and 48, the prior art neither anticipates nor renders obvious a cutter body with the combination of limitations of independent claim 27, specifically wherein the cutter body comprising a plurality of locations for accommodating cutting inserts; a cutter body with the combination of limitations of independent claim 35, specifically wherein a ring is positioned proximate to the second side of the cutter body and wherein the ring prevents the bolt from being removed from the throughbore; a cutter body with the combination of limitations of independent claim 41, specifically wherein each drive groove has an insertion portion connected to a retaining portion and a bottom surface, the retaining portion being associated with opposing outer and inner groove sidewalls which at least partially overhang the bottom surface; or milling cutter body with the combination of limitations of independent claim 48, specifically wherein the female locating member tapers from the widest portion at the first side to a narrowest portion within the milling cutter body at a point between the first and second sides.

Applicant's arguments in the Amendment dated 5 May 2005 were persuasive and the amended claim language overcomes the prior rejection under US Pat. No. 6,540,449 (Bejerstal et al.). Furthermore, there is no prior art, either alone or in combination with '449 that would render

Art Unit: 3722

obvious the claimed inventions, and no motivation found to modify '449 to obtain the claimed invention.

Examiner notes that Applicant's disclosure (page 1) addresses US Pat. No. 4,204,787 (McCray et al.). It is noted that the '787 patent does not disclose the combination of limitations in the independent claims as currently amended and no motivation is found to modify the '787 patent to obtain the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3722

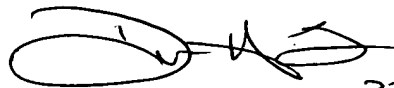
***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dana Ross whose telephone number is 571-272-4480. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
dmr

  
SPF, AU. 3725